REMARKS/ARGUMENTS

Claims 1 and 2 are present in this application.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,985,214 to Stylli et al. This rejection is respectfully traversed.

With reference to the Examiner's comments in the Office Action, the plates in Stylli are aligned sequentially on the conveyor lanes, but Stylli does not disclose the positional relationship of the master specimen container and the slave specimen containers defined according to the claimed invention. More specifically, an important feature of the present invention is that a master specimen container from which a specimen is to be removed and slave specimen containers to which the specimen is to be dispensed are arranged in a row (on the same lane), whereby when the specimen is removed/dispensed, it is not necessary to move an nozzle across a lane. In contrast, Fig. 17 in Stylli merely shows racks supporting specimen containers arranged in a line.

In the claimed invention, subsequent to a master specimen container, associated slave containers are arranged in a row, thus obtaining various advantages. This positional relationship is not disclosed in Stylli. For at least these reasons, Applicant respectfully submits that the rejection is misplaced.

Moreover, the feature of Stylli referenced in the Office Action, page 2, second paragraph, is distinguishable from that of the claimed invention. That is, the Examiner points out that Stylli discloses that the sample transporter will comprise at least two parallel lanes or four parallel lanes, and that a sample transporter lane can transport addressable wells in both directions (bi-directional transport), and that one or more lanes may be dedicated to unidirectional transport. In this context, however, none of those features of Stylli corresponds to the claimed feature in

which the master specimen container and the slave specimen containers are arranged in a row (on the same lane), whereby when the specimen is removed/dispensed, it is not necessary to move a nozzle across a lane.

Where a master specimen container and slave specimen containers are provided on different lanes, even if a mechanism is adopted that can move a nozzle in X, Y and Z-axial directions (moving multiple times) to position it, the distance by which the nozzle is moved from a position where it removes a specimen to that where it dispenses the specimen is long, and the movement direction needs also to be changed. The greater the movement distance and the larger the number of times the movement direction is changed, the more easily an impact occurs. Thus, in this case, there is a strong possibility that the specimen will be mishandled. Furthermore, if the operation is complicated, the operation requires a longer processing time, which in fact may influence the physical properties of the specimen. In addition, if the structure or control is complicated, manufacturing costs and/or necessary space, etc. will be increased.

For these reasons also, Applicant respectfully submits that the rejection is misplaced. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 2 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,599,476 to Watson et al. This rejection is respectfully traversed.

Similar to the Stylli patent, Applicant submits that it cannot be said that Watson discloses the positional relationship of the master specimen and the slave specimen according to the claimed invention. A feature of the invention resides in the arrangement of a master specimen container from which a specimen is to be removed and slave specimen containers (located behind the master specimen container) to which the specimen is to be dispensed. The noted advantage can be obtained by a feature in which a specimen removed from the master specimen

container is dispensed to the slave specimen containers located behind the master specimen container.

On the other hand, the Office Action provides that "after the secondary tube 15 dispensed from the hopper to the conveyor to receive the fluid from tube 14 as seen in figure 9A [sic]." However, as best as can be understood, this is entirely different from the noted feature of the present invention in situation and object in which the feature resides. Watson contains no description that discloses that a master specimen container from which a specimen is to be removed and slave specimen containers to which the specimen is to be dispensed are conveyed while being arranged in a row (on the same lane).

Applicant thus respectfully submits that this rejection is misplaced. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the comments above, it is thus clear that Watson and Stylli fail to disclose a master specimen container and slave specimen containers arranged in a row (in one conveyor lane), whereby when the specimen is removed/dispensed, it is not necessary to move a nozzle across a lane (that is, the nozzle is moved across a lane only when a chip is replaced by another one or disposed of). In the case where apparatuses perform similar processing, the apparatus that performs a smaller number of operations to effect this processing has an advantage over the other. In particular, it should be noted that a specimen conveying apparatus such as that according to the claimed invention used in a medical environment is required to reduce the number of times the specimen container is moved and thereby restrict mishandling of the specimen as much as possible. According to the claimed invention, a master specimen container and slave specimen containers are provided on the same lane, thereby simplifying the control operation and movement of the nozzle.

In the instance where apparatuses perform the same processing for removing/dispensing a specimen, the apparatus that performs a simpler operation such as that according to the claimed invention, can perform the processing at a higher speed. Also, with the simpler operation, there is a lower risk that the specimen may be mishandled, the cost is low, and space required for the apparatus is smaller as compared with the prior art apparatus. As such, the claimed invention has a great advantage since its processing for removing/dispensing a specimen is simple.

For the Examiner's information, the corresponding Japanese application has matured into a Japanese patent since it has been judged that the present invention is patentable with respect to the noted features.

In view of the foregoing remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Alan M. Kagen/
Alan M. Kagen
Reg. No. 36,178

AMK:jls
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100